

STATE HIGHWAYS AND TRANSPORTATION	
EXHIBIT NO.	8
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LAW GOVERNING HARDSHIP LICENSE

61-5-105. Who may not be licensed. The department may not issue a license under this chapter to a person:

- (1) who is under 16 years of age unless:
 - (a) the person is at least 15 years of age and has passed a driver's education course approved by the department and the superintendent of public instruction; or
 - (b) *the person is at least 13 years of age and, because of individual hardship, to be determined by the department, needs a restricted license;*

ADMINISTRATIVE RULE GOVERNING HARDSHIP LICENSE

23.3.132 UNDERAGE APPLICATION AND LICENSE

- (1) An application by an underage applicant for a driver's license must be referred to the field for a thorough investigation to determine the necessity for issuing the license.
 - (2) Approval of a request for a restricted license by an underage applicant may be recommended only in cases of dire necessity.
 - (3) The issuance of a restricted license to an underage applicant is considered necessary if:
 - (a) family economic pressures are such that the applicant's income is necessary to maintain the family unit (inconvenience or a desire to avoid hiring extra help is insufficient) ;
 - (b) the applicant lacks school bus transportation; or
 - (c) the applicant must provide transportation to a chronically ill or disabled parent and no other transportation is available.
- History: Sec. 44-1-103, MCA; IMP, Sec. 61-5-105, MCA; Eff. 12/31/72; AMD, Eff. 12/5/76.

LAWS GOVERNING GRADUATED DRIVER LICENSING (EXCERPT)

61-5-132. Prerequisites for issuance of driver's license to minor. (1) The department may issue a driver's license, subject to the restrictions of 61-5-133, to a person under 18 years of age if the person:

(a) *has held an instruction permit or traffic education learner's license for a period of not less than 6 months;*

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History: En. Sec. 2, Ch. 297, L. 2005.

61-5-133. First year restrictions on driver's license issued to minor. (1) A driver's license issued to a person who is under 18 years of age is subject to the following restrictions for 1 year from the date of issuance of the license or until the person is 18 years of age, whichever occurs first:

(a) A restricted licensee may not operate a motor vehicle, required by 61-9-409 to be equipped with seatbelts, unless each occupant of the motor vehicle is wearing a seatbelt, as defined in 61-13-102, or is properly restrained, as required under 61-9-420. The number of motor vehicle occupants may not exceed the number of seatbelts with which the motor vehicle is equipped.

(b) A restricted licensee may not operate a motor vehicle between the hours of 11 p.m. and 5 a.m. unless the restricted licensee is:

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(iii) driving from the restricted licensee's residence to a school-sponsored event at a school attended by the restricted licensee, including any site for school-provided transportation to and from the event, or is returning from the event or site to the restricted licensee's residence;

...

(vi) driving for the sole purpose of transporting farm or ranch products, machinery, or supplies within 150 miles of a farm or ranch headquarters;

(c) (i) For the first 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than one passenger who is under 18 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 18 years of age; or

(B) *the additional passengers under 18 years of age are members of the restricted licensee's family.*

(ii) For the second 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than three passengers who are under 18 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 18 years of age; or

(B) *the additional passengers under 18 years of age are members of the licensee's family.*

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